

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 3846 - HB 3805

February 24, 2010

SUMMARY OF BILL: Removes the Division of Health Related Board's power to enforce the provisions of all regulatory laws designed to prevent unlawful practices of the healing arts within the state and the power to suspend or revoke a license to practice if the licensee is found guilty of certain acts or offenses. Removes the requirement that the director of the Division be appointed from a list of three nominees submitted by a committee composed of the chairs of the regulatory boards. Removes the requirement for the Division to provide the Board of Pharmacy with the names of all nurse practitioners and physician assistants who are authorized to write and sign prescriptions and/or issue legend drugs and the names of their supervising physicians. The director of the Division may employ all consultants, inspectors, and other personnel necessary to carry out the function of the agencies attached to the Division without the consent of the concerned regulatory board. The Division may no longer adopt regulations or establish a reasonable fee for the directory listing all persons licensed to practice any branch of the healing arts. Removes the utilization of screening panels by the regulatory boards and commissions within the Division. Authorizes the Board of Dentistry to appoint a separate entity to administer clinical and didactic examinations to registered dental assistants for eligibility to perform teeth polishing. The Board of Medical Examiners will no longer provide a licensee with a contested case hearing to revoke an expired license. The Board of Veterinary Medical Examiners will be able to suspend or limit a license for longer than two years. The Board's authority to grant a rehearing within 30 days after a trial disciplining a licensee is removed.

ESTIMATED FISCAL IMPACT:

State Revenue – Net Impact – Not Significant/Health Related Boards

State Expenditures – Net Impact – Not Significant/Health Related Boards

Assumptions:

- According to the Department of Health, none of the provisions within the proposed bill changes the current practice of the Division of Health Related Boards or the regulatory boards within the Division.
- Currently, the Division of Health Related Boards has regulatory power over a licensee that is concurrent with the power granted to the individual regulatory boards. The proposed legislation removes these concurrent powers granting all regulatory authority over licensees to the individual boards.

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- Currently, registered dental assistants must pass a clinical and didactic examination administered by the Board of Dentistry to be eligible to perform polishing treatments.
- The proposed legislation will authorize the Board of Dentistry to designate the administration of the examination to another entity. This will not have a significant impact on the Board.
- Any increase in expenditures to enter into an agreement for the administration of the examination or decrease in expenditures for the Board to no longer administer the examination is considered not significant.
- Removing the types of disciplinary hearings the Boards of Medical Examiners and Veterinary Medicine are authorized to provide to licensees will not result in a significant decrease in revenue or expenditures.
- Pursuant to Tenn. Code Ann. § 4-3-1011, all health-related boards are required to be self-supporting over a two-year period. As of June 30, 2008, the Division had a balance of \$1,000,000, the Board of Dentistry had a balance of \$108,709.53 and the Board of Medical Examiners had a balance of \$108,302.81.
- The Board of Veterinary Medical Examiners had deficits of \$149,783.36 in FY06-07 and \$106,052.21 in FY07-08.
- The FY08-09 balances for the Division and Boards are not yet available.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/kml